

REMARKS

Claims 1-31 are pending in the Application. The Examiner has made a restriction requirement, restricting the Claims into six groups, as follows:

- Group I, comprising claims relating to miRNA and a U6 nucleic acid;
- Group II, comprising claims relating to miRNA and a GAPDH nucleic acid;
- Group III, comprising claims relating to siRNA and a U6 nucleic acid;
- Group IV, comprising claims relating to siRNA and a U6 nucleic acid;
- Group V, claims relating to kits configured to detect miRNA;
- Group VI, claims relating to kits configured to detect siRNA.

By the present amendment Applicants cancel without prejudice all claims directed toward the subject matter of Groups III-VI in view of the present restriction requirement, reserving the right to pursue these or similar claims in one or more Divisional applications or related applications. In addition, to further business interests, Applicants cancel the remaining pending claims without prejudice and add new claims 32 to 56. Applicants reserve the right to prosecute the original claims or similar claims in one or more future applications.

The newly added claims are directed toward methods for the detection of microRNA (miRNA), which the Examiner has divided into Groups I and II. With respect to these groups, the Examiner has stated that these groups are distinguished by the identity of a second nucleic acid to which the miRNA hybridizes, with Groups I and II relating to U6 and GAPDH second nucleic acids, respectively. Applicants respectfully point out that the U6 and GAPDH nucleic acids of Claims 18 and 19 are second target nucleic acids (*e.g.*, to be detected at the same time as the miRNA), and are not additional nucleic acids that hybridize to the miRNA to be detected. Nonetheless, for business reasons, the newly added claims do not recite U6 and GAPDH second target nucleic acids. The distinction between Group I and Group II is thus rendered moot.

The Examiner has further required a species election based on the particular miRNAs recited in Claim 20: Let-7, miR-1, miR-135, miR-15, miR-16, miR125b, miR-1d, and miR124a. While Claim 20 is cancelled by the present amendment, these miRNAs are recited in new Claim 54. Applicants elect claims covering the Let-7 miRNA for examination, reserving the right to pursue additional species if a generic claim is found allowable. Claims 33-56 are readable on this species.

The Examiner has further required a species election based on the type of detection assay recited. Detection assays are recited in newly added Claims 34-38, and

44, although the recited detection methods are not mutually exclusive, as two or more of the recited methods may be combined for detection. Nonetheless, Applicants elect claims covering the use of polymerase chain reaction as recited in Claims 36 and 44 for examination, reserving the right to pursue additional species if a generic claim is found allowable. Applicants note that Claim 44 recites a polymerase chain reaction with 5' nuclease cleavage of a labeled probe. The detection method of Claim 44 is encompassed by the polymerase chain reaction method of Claim 36, therefore the detection methods of Claims 36 and 44 are not distinct species. Claims 33-56 are readable on this species.

If a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

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